

CITY COUNCIL, CITY OF LODI
CITY HALL COUNCIL CHAMBERS
OCTOBER 1, 1975

A regular meeting of the City Council of the City of Lodi was held beginning at 8:00 p.m., Wednesday, October 1, 1975, in the City Hall Council Chambers.

ROLL CALL

Present: Councilmen EHRHARDT, HUGHES, KATNICH, PINKERTON, and SCHAFFER (Mayor)

Absent: Councilmen - None

Also present: Assistant City Manager Glenn, City Attorney Mullen, Community Development Director Schroeder, Public Works Director Ronsko, and City Clerk Reimche.

INVOCATION

The invocation was given by Rev. Vernon Robertson, Presbyterian Church Grace.

PLEDGE

Mayor Schaffer led the Pledge of Allegiance to the flag.

MINUTES

Councilman Pinkerton moved the minutes of September 17, 1975 be approved as written and mailed. The motion was seconded by Councilman Katnich and carried.

PROCLAMATION
10-27

Mayor Schaffer proclaimed Friday, October 3, 1975 as "White Cane Day" and presented the Proclamation to Mr. Stephen Mann.

REPLICA OF
DECLARATION OF
INDEPENDENCE
PRESENTED TO COUN-
CIL 10-27

Mr. William F. Hartfelder, Sr., P. O. Box 747, Woodbridge, California presented to the Council an authentic copy of the Declaration of Independence stating that thousands of copies of this document have been distributed throughout the United States by a prominent company in recognition of free enterprise and in celebration of the bicentennial. Mr. Hartfelder requested that the Council sign this document as a gesture of reaffirming the ideals for which it stands.

PLANNING COMMISSION

ACTIONS OF INTEREST
10-28

The Assistant City Manager gave the following report of the Planning Commission meeting of September 22, 1975:

The Planning Commission -

1. Approved the request of Baumbach and Piazza, Consulting Engineers, on behalf of Grupo and Associates for the approval of lot line adjustments in Lots 18-31, 37-41, 7-8; and 59-68 in English Oaks Minor Unit #1 increasing lot widths from 43 feet to 50-53 feet by reducing the number of parcels from 109 to 104 with the following conditions:

- a. that the homes to be constructed on the adjusted lots be compatible with the existing dwellings;
- b. that the residents of the neighborhood be informed as to what will be constructed; and
- c. that fencing and screening be provided to conform to what had been previously approved.

COMMUNICATIONS

CLAIM

11-6-75

A Claim for Personal Injuries, Assault, and Battery filed on behalf of Pam J. Menzel of 831 Rutledge, Lodi, California, in the amount of \$50,000 for general damages was presented by the City Clerk. On motion of Councilman Ehrhardt, Pinkerton second, the Claim was rejected and referred to the City's Agent of Record.

PUC NOTICE OF PRE-HEARING CONFERENCE

11-7-75

The City Clerk presented a Notice of Prehearing Conference before the Public Utilities Commission of the State of California which had been received concerning Applications 55509 and 55510 of the Pacific Gas and Electric Company for authority, among other things, to increase its rates and charges for electric service and gas service.

NOTICE OF RESETTling PUC HEARING

11-7-75

The City Clerk also presented a notice resetting the hearing before the Public Utilities Commission regarding Application No. 55527 of the Pacific Telephone and Telegraph Co., a Corporation, for a revised tariff for SG-1, Private Branch Exchange Service. The hearing has now been set for October 6, 1975 at 10:00 a.m. in the Commission Courtroom, State Building, 350 McAllister Street, San Francisco, California.

Regarding this same matter, the City Clerk presented a notice which had been received from the Pacific Telephone and Telegraph Co. advising of amendments to Application No. 55527 before the P.U.C.

ABC LICENSE

11-7-75

City Clerk Edmcke presented an application for Alcoholic Beverage License which had been received for the Southland Corporation for a new Off Sale Beer and Wine License for the 7-Eleven Store to be located at 205 W. Lodi Avenue, Lodi.

Minutes of October 1, 1975, continued

LAFCO NOTICE RE
LOCAL AGENCY
REORGANIZATION

10-16

A notice which had been received from the San Joaquin County Local Agency Formation Commission was also presented of a proposed local agency reorganization including formation of Lockeford Community Services District; dissolution of Lockeford Sanitary District, and San Joaquin County Water Works District No. 1; and the recommendation that the Board of Supervisors dissolve Lockeford Lighting District, Bear Creek Terrace Public Improvement and Street Lighting Maintenance District; Lambert Village Public Improvement and Street Lighting Maintenance District, and Lockeford Maintenance District.

AIR QUALITY
MAINTENANCE
PLANNING GROUP

10-24

Councilman Pinkerton reported that as a member of C.O.G., that body has become an Air Quality Maintenance Planning Group for Stanislaus and San Joaquin County, and that at a recent meeting of this group, a representative of the Executive Committee of the Air Resources Board assured the group that they would have meaningful input to the Air Resources Board. Councilman Pinkerton then referred to a recent newspaper article which stated that car makers are now required to replace catalytic converters, which are no longer functional on automobiles. Councilman Pinkerton stated that this was an arbitrary decision made by a three-man board and that the decisions made by this Board affect 22 million people in the State of California. Councilman Pinkerton then voiced his objections to being a part of the Air Quality Maintenance Plan which is mandated by a three-man board.

Following an inquiry by Mayor Schaffer, Councilman Pinkerton stated that he felt it behooved the City Council to stand up in meetings it will be attending at the Annual League of California Cities Conference in San Francisco and apprise those present that the people are tired of "Bureaucrats", and that those people who made this Country great came in covered wagons without benefit of social benefits or social welfare.

Councilman Ehrhardt stated that he differs with Councilman Pinkerton's views, in that at recent meetings of this type that Councilman Ehrhardt had attended, these people were asking for input. Councilman Ehrhardt reiterated that these people are asking that "we" come forth with suggestions - that it is up to "us".

MEETING CONCERN-
ING "NEW STRATEGY
IN GETTING
FEDERAL DOLLARS"

11-17

Councilman Ehrhardt apprised the Council of a meeting to be held in Washington D.C., November 12, 13, and 14, 1975 concerning "New Strategy in Getting Federal Dollars". Councilman Ehrhardt stated he felt this should be reviewed by the Council as a possible source for obtaining funds for a future library. Council directed that this matter be discussed at a future Council Shirt Sleeve Session.

REPORTS OF THE CITY MANAGER

CLAIMS

Claims in the amount of \$440,572.25 were approved on motion of Councilman Ehrhardt, Katnich second.

SPECS FOR 4-DOOR
SEDAN FOR CITY
MGR. 1975

Following introduction of Agenda Item "b" - "Approve specifications for one standard size four door sedan for the City Manager", with questions being directed to Staff by the Council, Mayor Schaffer deferred the matter to the end of the Agenda.

DOWNTOWN UNDER-
GROUND DISTRICT
II ACCEPTED

Assistant City Manager Glenn apprised the Council that the contractor Downtown Underground District II had been awarded to Pacific Engineers of Newport Beach, California on March 5, 1975 in the amount of \$91,139.45. The contract has now been completed in substantial conformance with the plans and specifications approved by the City Council.

On motion of Councilman Katnich, Ehrhardt second, the City Council accepted the improvements in "Downtown Underground District II" and directed the Public Works Director to file a Notice of Completion with the County Recorder's Office.

Assistant City Manager Glenn informed the Council that at the regular Council meeting of September 17, 1975, the City Council instructed Staff to prepare two additional plans for the striping of Lodi Avenue between Hutchins Street and Pleasant Avenue. Public Works Director Ronsko presented a Traffic Engineering Investigation and advised the Council that the requested plans were to be based on retaining two on-street parking stalls on the north side of Lodi Avenue immediately west of Lee Avenue. One plan was to show the retention of most of the existing raised concrete median (Alternate 3a) and the second, the removal of the concrete median to be replaced by a painted median (Alternate 3b). Diagrams of Alternate 3a and 3b were presented by the Public Works Director. Mr. Ronsko noted that both submitted plans are the same except that Alternate 3a provides a raised median which physically prevents turning movements across the divided section, while Alternate 3b utilizes a two-foot wide painted median which legally prohibits turning movements. Mr. Ronsko stated that there are two areas of concern to be evaluated in determining an efficient pavement striping plan for the westbound approach to Hutchins Street:

1. Should left-turn channelization be provided at the intersection, and if a left turn pocket is deemed necessary, should this channelization consist of a physically protected barrier to prevent left turns; or

2. Should it consist of painted barriers to prohibit left turns?

Mr. Ronsko then apprised the Council that the raised concrete median between Hutchins Street and Lee Avenue was installed to eliminate mid-block conflict and assure safe and efficient traffic flows. The accident records indicate the median has served that purpose well, as there has been only one mid-block accident, at a driveway, in the past 22 months, and there have been no reported accidents caused by the raised median.

Mr. Ronsko indicated that Alternate 3b shows the left turn movement that might be expected across the dividing section if the raised median is removed. Most of these movements would be made within 150 feet of the intersection; across the left turn pocket; and, in some cases across 5 traffic lanes. Mr. Ronsko emphasized that some turning movements can be expected across a painted barrier, and the result of these turning movements will be accidents. It is therefore, the Engineering Division's recommendation that Council adopt Alternate 3a, with the Council's understanding that the length of the proposed left turn pocket is insufficient to accommodate adequately either present or future traffic volumes.

A lengthy discussion followed by Council, with questions being directed to staff.

Councilman Pinkerton then moved that Council approve the removal of the medians on Lodi Avenue in a three block area from Hutchins Street to Lee Avenue as shown on Alternate 3b, as presented by Staff, for a six month trial period, and if this trial period "works out", to consider the removal of all medians in the Lodi Avenue area. The motion was seconded by Councilman Katnich and carried by the following vote:

Ayes: Councilmen - KATNICH, PINKERTON and SCHAFFER

Noes: Councilmen - EHRHARDT and HUGHES

Absent: Councilmen - None

A diagram of the proposed sidewalk, rights-of-way, and trees located along the sidewalk area on Lodi Avenue from Ham to Avena was presented by Public Works Director Ronsko. Mr. Ronsko emphasized that wherever possible, trees will be saved, but that Council should be aware that some of the trees cannot be saved because of their location or root structure. Mr. Ronsko then proceeded to describe in detail, directing Council's attention to the diagram throughout his commentary, staff's recommendation for the proposed sidewalk, rights-of-way, and retention of trees where possible on Lodi Avenue from Ham Lane to Avena Avenue.

Minutes of October 1, 1975, continued

A lengthy discussion followed, with questions being directed by Council to Staff.

SIDEWALK, R/W, &
TREES LODI AVE. -
HAM TO AVENA

Mayor Schaffer called for any persons in the audience owning property in this area who wished to make a statement to come forward.

Mr. Webster Tyson, 100 S. Sunset, Lodi pled that his hedge, which he stated he has spent twenty years growing, be saved as a barrier to noise and vehicular fumes.

Mr. Jack Chappell, 271 Avena Avenue, Lodi, expressed his appreciation to Staff for Staff's concern for his walls and trees. Mr. Chappell stated that he would favor a 4-foot sidewalk in the area of his property, adding that for the past 25 years there had been a three foot sidewalk in this area and therefore, he felt that widening the sidewalk to four feet would be sufficient.

On motion of Councilman Katnich, Council concurred with Staff's recommendation and approved standard sidewalk and right-of-way in the area of Ham to Sunset with a disconfiguration in the area of the corner of Sunset as presented in Staff's diagram; Council approved standard sidewalk and right-of-way in the area of Sunset to Fairmont; Council approved standard sidewalk and right-of-way in the area of Fairmont to Orange with the owner's option to deviate for a meandering sidewalk in the area of the Meyer's parcel at Orange; Council approved standard sidewalk and that the right-of-way be placed at the back of the sidewalk on the Chappell pool property located in the area of Orange and Avena; and that it be the owner's option whether or not to deviate for a meandering sidewalk in the area of the Chappell parcel located in the area of Orange and Avena.

The motion was seconded by Councilman Hughes and carried.

RECESS

The Mayor declared a five-minute recess, and the Council reconvened at 9:55 p.m.

TRANSFER OF
FUNDS FROM
GENERAL FUND TO
LIBRARY FUND
APPROVED

Assistant City Manager Glenn apprised the Council that in the approved 1975-76 Budget, General Fund support in the amount of \$13,330.00 was budgeted for the Library. Due to increased assessed valuations, end of year balances are higher than originally were expected. It is, therefore, not now necessary to transfer the entire \$13,330.00 to the Library Fund. The amount needed is \$4760.00. Mr. Glenn stated that this amount will provide the necessary funds to the Library for the operating year of 1975-76, but pointed out that as of June 30, 1976, the Library will have no operating reserves whatsoever, and this is predicated on the basis that there will be no unusual expenses incurred during this year.

Minutes of October 1, 1975, continued

On motion of Councilman Ehrhardt, Katnich second, Council approved the transfer of \$4760.00 from the General Fund to the Library Fund.

VOTING DELEGATE
AND ALTERNATE
DESIGNATED FOR
LEAGUE
CONFERENCE

21-6

The Assistant City Manager advised the Council that as in years past, the League of California Cities is requesting that each City Council designate a voting representative and an alternate voting representative in order to expedite the business session of the Annual League Conference in San Francisco October 19 - 22, 1975.

Councilman Pinkerton moved that Mayor Ben Schaffer be designated the Voting Delegate and Mayor Pro Tempore Richard Hughes be designated Voting Alternate for the League of California Cities Annual Conference to be held in San Francisco October 19 - 22, 1975. The motion was seconded by Councilman Ehrhardt and carried.

RATE INCREASE
FOR LODI
AMBULANCE
SERVICE
CONDITIONALLY
APPROVED

RES. NO. 4106

21-6 1/2

Assistant City Manager Glenn presented for Council's scrutiny, a proposed rate increase which had been submitted by the Lodi Ambulance Service on September 2, 1975.

Mr. Perry Schimke, co-owner of the Lodi Ambulance Service addressed the Council relating recent cost increases in the Company's operations and answered questions as were directed by Council.

Councilman Hughes requested that a Profit and Loss Statement be submitted by the Company for Council's perusal.

Additional discussion followed by Council, with Councilman Hughes moving for adoption of Resolution No. 4106 conditionally approving the rate increases as requested by the Lodi Ambulance Service on September 2, 1975 to be effective at 12:01 a.m., Thursday, October 2, 1975 and that the proposed rates may be reduced or approved following a review by the Council of a Profit and Loss Statement to be received within thirty days, as requested by Council, which statement would reflect the Company's financial status as of this date compared to one year ago. The motion was seconded by Councilman Ehrhardt and carried.

The Assistant City Manager advised the Council that there were several matters pertaining to the March 2, 1976 General Municipal Election on which the Council could elect to take action as follows:

1) Pursuant to Section 22808 of the State Elections Code, a City may by ordinance or resolution limit campaign expenditures or contributions in municipal elections. Council discussion followed with no action being taken by the Council.

RES. NO. 4107
ADOPTED AUTHORIZING BILLING OF SPANISH TRANSLATION OF CANDIDATE'S STATEMENT OF QUALIFICATIONS WHEN CANDIDATE HAS OPTION

2) Pursuant to Section 10012.5 of the Elections Code, the governing body of a local agency may authorize an increase in the limitations on words from 200 to 400 words for a Candidate's Statement of Qualifications. Council discussion followed with no action being taken by the Council on this matter.

3) Section 10012.5 of the Elections Code of the State of California also specifies that the Council may authorize the billing to each candidate availing himself of the option of having the Clerk provide a Spanish translation, as specified by law, of the Candidate's Statement of Qualifications. Following Council discussion, on motion of Councilman Hughes, Ehrhardt second, Council adopted Resolution 4107 authorizing that when a Candidate has the option of having the Clerk provide a Spanish translation of the Candidate's Statement of Qualifications, the Candidate shall be billed for such services.

4) Section 10012.5 of the State Elections Code also specifies that Council may adopt regulations to permit each candidate for elective office to prepare separately other materials to be sent to each voter in addition to the sample ballot and the voter's pamphlet and that Council shall specify if the costs of handling, packaging, and mailing of this additional material may be borne by the local agency or if it should be billed in whole or part to the candidate submitting the materials. Council discussion followed with no actions being taken by the Council on either of these matters.

5) Section 22843 of the Elections Code of the State of California states that a filing fee proportionate to the costs of processing a candidate's nomination papers as determined by the City Council and set by ordinance, but not exceeding twenty-five dollars (\$25.00) may be imposed, to be paid upon filing of such nomination papers. This matter was discussed by Council with no action being taken.

CITY CLERK DIRECTED TO DRAFT LETTER RE VOTERS' RIGHTS ACT AS AMENDED

Council directed the City Clerk to draft a letter for the Mayor's signature which critiques problems anticipated in complying with the Voters' Rights Act as amended and which would illustrate the additional costs to be incurred by the City of Lodi in complying with the requirements of this Act. This letter is to be sent to Congressman McFall, Senator Tunney and Senator Cranston.

CANDIDATES TO BE REGISTERED VOTERS

City Attorney Munien apprised the Council of the recent passage of SB450 whereby a candidate for city office must be a registered voter at the time nomination papers are issued to the candidate.

SPECS APPROVED FOR 4-DOOR SEDAN FOR CITY MGR.

Following discussion on the matter, on motion of Councilman Katnich, Ehrhardt second, Council approved the specifications for one standard size four door sedan for the City Manager and authorized the Purchasing Agent to advertise for bids thereon.

Minutes of October 1, 1975, continued

LAFCO STATE
CONVENTION
ATTENDED BY
COUNCILMAN
EHRHARDT

21-10-75

A report was given by Councilman Ehrhardt on the State LAFCO Convention that he recently attended in Fresno. Councilman Ehrhardt related that the Convention was most informative and that the State Board has now been expanded from 5 to 10 members, two of which are from San Joaquin County.

TRAFFIC STUDY
WASHINGTON ST.
& MAPLE STREET
INTERSECTION

21-10-75

Councilman Ehrhardt acknowledged receipt of the Engineering Division Traffic Study of the Washington Street and Maple Street intersection which had been requested by the Council.

LIMITED CLASSIFI-
CATION STUDY
DISTRIBUTED TO
COUNCIL

21-10-75

Copies of the City of Lodi Limited Classification Study which had recently been completed by the State of California State Personnel Board were distributed to the Council for its perusal by Assistant City Manager Glenn.

COMPLAINTS
REC'D. RE AREA
OF SCHOOL ST.
POST OFFICE
BENCHES

21-10-75

Councilman Ehrhardt apprised the Council of his concerns regarding the area of the benches in front of the School Street Post Office, the language that is written on the benches, and of the element of people congregating in that area, particularly on Monday nights.

Mayor Schaffer indicated that he too had been made aware of the problem and directed that Staff check into this matter and follow through on it.

A discussion by Council followed regarding problems encountered by the Police Department in dealing with juveniles.

LAWS REGARDING
JUVENILE JUSTICE

21-10-75

Councilman Katnich suggested that the Council appear before the Juvenile Justice Commission to apprise this body of the Council's concerns in this area. Councilman Katnich also suggested that the matter be brought before the League of California Cities, that State laws could be changed by Mayors and Councils banding together throughout the State toward this effort.

ADJOURNMENT

There being no further business to be brought before the Council, Mayor Schaffer adjourned the meeting at approximately 11:00 p.m.

Alice M. Reimche
Attest: ALICE M. REIMCHE
City Clerk